

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GARY LEE WILLIAMS,

Petitioner,

v.

**WARDEN, FRANKLIN MEDICAL
CENTER,**

Respondent.

CASE NO. 2:15-CV-01113

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Elizabeth A. Preston Deavers

OPINION AND ORDER


On April 2, 2015, the Magistrate Judge issued a *Report and Recommendation* pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts recommending that the instant petition for a writ of habeas corpus be dismissed as barred by the one-year statute of limitations under 28 U.S.C. 2244(d). Petitioner has filed an *Objection* to the Magistrate Judge's *Report and Recommendation*. ECF 4. Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review.

Petitioner challenges a conviction on gross sexual imposition. He asserts that this conviction violates the Fourth Amendment, the Confrontation Clause and due process, and that he has unlawfully been denied access to the courts. The Magistrate Judge recommended dismissal due to Petitioner's failure to comply with the one-year statute of limitations under 28 U.S.C. § 2244(d). Petitioner objects to that recommendation. He argues that the Magistrate Judge improperly recommended dismissal without consideration of the merits of his claims and requiring a *Return of Writ* to be filed.

This Court does not agree. Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts provides that, if upon review “it plainly appears. . . that the petitioner is not entitled to relief. . . the judge must dismiss the petition and direct the clerk to notify the petitioner.” These are the circumstances here. For the reasons detailed in the Magistrate Judge’s *Report and Recommendation*, Petitioner’s plainly filed his habeas corpus petition after the statute of limitations had already expired. He waited more than sixteen years from the date that his judgment of conviction became final to pursue relief.

For these reasons, Petitioner’s *Objection*, ECF 4, is **OVERRULED**. The *Report and Recommendation*, ECF 3, is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

 5-28-2015
EDMUND A. SARGUS, JR.
United States District Judge